IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8801 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
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1.   Whether Reporters of Local Papers may be allowed
        to see the judgements?

2.   To be referred to the Reporter or not?

3.   Whether Their Lordships wish to see the fair copy
        of the judgement?

4.   Whether this case involves a substantial question
        of law as to the interpretation of the Constitution
        of India, 1950 of any Order made thereunder?

5.   Whether it is to be circulated to the Civil Judge?

ILLABENI NAIK W/O LATE   ISHVERLAL K NAIK
Versus
     STATE OF GUJARAT

Appearance:
     MR GI DESAI for Petitioner
     MR SP HASURKAR for Respondents

     CORAM : MR.JUSTICE M.R.CALLA
     Date of decision: 28/12/98

ORAL JUDGEMENT

     The order dated 15th October 1998 passed by this
Court has now been complied with, after passing of the
order dated 21st December 1998 by this Court in Civil
Application No. 11281 of 1998. That payment has been
made to the petitioner by passing an order with regard to
the payment of provisional pension only. However, the
order finalising the case of pension has not been passed.

Mr.Hasurkar submits that while the payment of provisional pension shall be made month to month, the settlement of the pension case as a whole would take about three months' time. The respondents are, therefore, directed to finalise and settle the pension case of the petitioner at the earliest possible opportunity from today, but in no case, later than 31st March 1999. The payment of the due arrears of pension and all other retiral benefits, if any, to which the petitioner is found entitled on account of the services rendered by her husband, the same shall be paid to her on or before 15th April 1999. In case the payment is not made as directed above before 15th April 1999, it would enure an interest in favour of the petitioner on the due amount right from the due date till the payment is made at the rate of 18% per annum. This Special Civil Application is allowed in terms as aforesaid and the Rule is made absolute accordingly.

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